

SENATE BILL No. 391

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-10-7-32; IC 3-11; IC 3-12-1.

Synopsis: Straight ticket voting. Removes a voter's option to vote for all candidates of a political party or an independent ticket at one time (straight ticket voting) in a general or municipal election, except for candidates for presidential electors. Repeals superseded statutes relating to straight ticket voting.

Effective: July 1, 2016.

Delph

January 12, 2016, read first time and referred to Committee on Elections.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 391

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-10-7-32, AS AMENDED BY P.L.190-2011,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 32. (a) A town election board shall determine
4 what voting method will be used in a municipal election.
5 (b) The town election board and its precinct election officers shall
6 perform the duties of the county election board and its precinct election
7 officers under IC 3-11 for each voting method used.
8 (c) The town election board shall prepare the ballots in the form
9 prescribed by IC 3-11 and distribute them to the precincts in the town.
10 (d) This subsection applies only to paper ballots. Notwithstanding
11 subsection (c), the town election board, by unanimous consent of the
12 board's entire membership, may authorize the printing or reproduction
13 of ballots on equipment under the control of the town clerk-treasurer.
14 If the town election board acts under this subsection, the ballots are not
15 required to conform to the precise dimensions concerning the size of
16 political party devices under IC 3-11-2-9 or the placement of a
17 candidate's name under ~~IC 3-11-2-10(f)~~ **IC 3-11-2-10(d)**. However,



the ballots must otherwise substantially conform with IC 3-11-2.

SECTION 2. IC 3-11-2-10, AS AMENDED BY P.L.219-2013, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in ~~subsections (d) and (e)~~ **subsection (c)** and section 8 of this chapter:

(1) Ratification of a state constitutional amendment.

(2) Local public questions.

Each public question shall be placed in a separate column on the ballot.

(b) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. ~~The instructions for voting a straight party ticket shall be placed to the right of the device.~~

(c) ~~The instructions for voting a straight party ticket must conform as nearly as possible to the following: "To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, make a voting mark on or in this circle and do not make any other marks on this ballot. If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."~~

(d) ~~If the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."~~

~~(e)~~ **(c)** The ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

~~(f)~~ **(d)** The list of candidates of the political party shall be placed immediately under the ~~instructions for voting a straight party ticket.~~ **device of the political party.** The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the



1 name. The name of each candidate must have, immediately on its left,
2 a square three-eighths (3/8) of an inch on each side.

3 ~~(g)~~ (e) The circuit court clerk may authorize the printing of ballots
4 containing a ballot variation code to ensure that the proper version of
5 a ballot is used within a precinct.

6 SECTION 3. IC 3-11-7-4, AS AMENDED BY P.L.219-2013,
7 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2016]: Sec. 4. (a) A ballot card voting system must permit a
9 voter to vote

10 ~~(1) except at a primary election, a straight party ticket for all of~~
11 ~~the candidates of one (1) political party by a single mark on each~~
12 ~~ballot card;~~

13 ~~(2) for one (1) or more candidates of each political party or~~
14 ~~independent candidates, or for one (1) or more school board~~
15 ~~candidates nominated by petition.~~

16 ~~(3) a split ticket for the candidates of different political parties~~
17 ~~and for independent candidates; or~~

18 ~~(4) a straight party ticket and then split that ticket by casting~~
19 ~~individual votes for candidates of another political party or~~
20 ~~independent candidate.~~

21 (b) A ballot card voting system must permit a voter to vote:

22 (1) for all candidates for presidential electors of a political party
23 or an independent ticket by making a single voting mark; and

24 (2) for or against a public question on which the voter may vote.

25 SECTION 4. IC 3-11-7-6 IS REPEALED [EFFECTIVE JULY 1,
26 2016]. Sec. 6. A ballot card voting system must count a ballot in
27 accordance with IC 3-12-1-7 when a voter votes a straight ticket vote
28 and votes for individual candidates as described by IC 3-12-1-7.

29 SECTION 5. IC 3-11-7.5-10, AS AMENDED BY P.L.219-2013,
30 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2016]: Sec. 10. (a) An electronic voting system must permit
32 a voter to vote

33 ~~(1) except at a primary election, a straight party ticket for all the~~
34 ~~candidates of one (1) political party by touching the device of that~~
35 ~~party;~~

36 ~~(2) for one (1) or more candidates of each political party or~~
37 ~~independent candidates, or for one (1) or more school board~~
38 ~~candidates nominated by petition.~~

39 ~~(3) a split ticket for the candidates of different political parties~~
40 ~~and for independent candidates; or~~

41 ~~(4) a straight party ticket and then split that ticket by casting~~
42 ~~individual votes for candidates of another political party or~~



independent candidates:

(b) An electronic voting system must permit a voter to vote:

(1) for as many candidates for an office as the voter may vote for, but no more;

(2) for or against a public question on which the voter may vote, but no other; and

(3) for all the candidates for presidential electors of a political party or an independent ticket by making a single voting mark.

SECTION 6. IC 3-11-11-10 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 10: If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may make a voting mark on or in a large circle enclosing the device and before the name under which the candidates of the party or group of petitioners are printed. The voter's vote shall then be counted for all the candidates under that party name or for the two (2) candidates comprising an independent ticket.~~

SECTION 7. IC 3-11-13-11, AS AMENDED BY P.L.194-2013, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

(1) print all offices and questions on a single ballot card; and

(2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and



1 IC 3-11-2-14(d). The offices and public questions may be listed in a
 2 continuous column either vertically or horizontally and on a number of
 3 separate pages.

4 (f) The name of each office must be printed in a uniform size in bold
 5 type. A statement reading substantially as follows must be placed
 6 immediately below the name of the office and above the name of the
 7 first candidate:

8 (1) "Vote for one (1) only.", if only one (1) candidate is to be
 9 elected to the office.

10 (2) "Vote for not more than (insert the number of candidates to be
 11 elected) candidate(s) for this office.", if more than one (1)
 12 candidate is to be elected to the office.

13 (g) Below the name of the office and the statement required by
 14 subsection (f), the names of the candidates for each office must be
 15 grouped together in the following order:

16 (1) The major political party whose candidate received the highest
 17 number of votes in the county for secretary of state at the last
 18 election is listed first.

19 (2) The major political party whose candidate received the second
 20 highest number of votes in the county for secretary of state is
 21 listed second.

22 (3) All other political parties listed in the order that the parties'
 23 candidates for secretary of state finished in the last election are
 24 listed after the party listed in subdivision (2).

25 (4) If a political party did not have a candidate for secretary of
 26 state in the last election or a nominee is an independent candidate
 27 or independent ticket (described in IC 3-11-2-6), the party or
 28 candidate is listed after the parties described in subdivisions (1),
 29 (2), and (3).

30 (5) If more than one (1) political party or independent candidate
 31 or ticket described in subdivision (4) qualifies to be on the ballot,
 32 the parties, candidates, or tickets are listed in the order in which
 33 the party filed its petition of nomination under IC 3-8-6-12.

34 (6) A space for write-in voting is placed after the candidates listed
 35 in subdivisions (1) through (5), if required by law.

36 (7) The name of a write-in candidate may not be listed on the
 37 ballot.

38 (h) The names of the candidates grouped in the order established by
 39 subsection (g) must be printed in type with uniform capital letters and
 40 have a uniform space between each name. The name of the candidate's
 41 political party, or the word "Independent" if the:

42 (1) candidate; or



(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking;

and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The following information must be placed at the top of the ballot before the first public question is listed:

(1) The cautionary statement described in IC 3-11-2-7.

(2) The instructions described in IC 3-11-2-8 ~~IC 3-11-2-10(d); and IC 3-11-2-10(e);~~ **IC 3-11-2-10(c).**

(l) The ballot must include: a ~~single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:~~

(1) the name of the political party or independent ticket (described in IC 3-11-2-6); and

(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must



be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. ~~The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and~~ The statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot beside or above the names and devices within the voting booth in a location that permits the voter to easily read the instructions.

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

(p) This subsection applies to an optical scan ballot that does not list:

- (1) the names of ~~political parties~~ or candidates; or
- (2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each ~~political party~~; candidate or public question.

SECTION 8. IC 3-11-13-14 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 14: In partisan elections, the ballot labels must include a voting square or position where a voter may by one (1) mark on each card record a straight party or an independent ticket vote for all the candidates of one (1) political party or the independent ticket, except for offices for which the voter has voted individually for a candidate. If the voter records a vote for the two (2) candidates comprising an independent ticket, the vote must not count for any other independent candidate on the ballot.~~

SECTION 9. IC 3-11-13-31.7, AS AMENDED BY P.L.128-2015, SECTION 193, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 31.7. (a) This section is enacted to comply with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an



optical scan voting system.

(b) After receiving ballot cards, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

(1) the candidates for whom the voter desires to vote by marking the connectable arrows, circles, ovals, or squares immediately beside:

(A) the candidates' names; or

(B) the numbers referring to the candidates; and

(2) the voter's preference on each public question by marking the connectable arrow, oval, or square beside:

(A) the word "yes" or "no" under the question; or

(B) the number referring to the word "yes" or "no" on the ballot.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or independent ticket (described in IC 3-11-2-6), the voter may mark:

(1) the circle enclosing the device; or

(2) the connectable arrow, circle, oval, or square described in section 11 of this chapter;

that designates the candidates of that political party or independent ticket (described in IC 3-11-2-6). The voter's vote shall then be counted for all the candidates of that political party or included in the independent ticket (described in IC 3-11-2-6). However, if the voter marks the circle, arrow, oval, or square of an independent ticket (described in IC 3-11-2-6), the vote shall not be counted for any other independent candidate on the ballot.

(d) (c) This subsection applies to a voter casting a ballot on a voting system that includes features of both an optical scan ballot card voting system and a direct record electronic voting system. After entering into a booth used with the voting system, the voter shall indicate the candidates for whom the voter desires to vote and the voter's preference on each public question by:

(1) inserting a paper ballot or an optical scan ballot into the voting system; or

(2) using headphones to listen to a recorded list of political parties, candidates, and public questions.

(e) (d) A voter using a voting system described in subsection (d) (c) may indicate the voter's selections by:

(1) touching a device on or in the squares immediately adjacent to the name of a political party, candidate, or response to a public question; or



(2) indicating the voter's choices by using a sip puff device that enables the voter to indicate a choice by inhaling or exhaling.

SECTION 10. IC 3-11-14-3.5, AS AMENDED BY P.L.76-2014, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

(1) print all offices and public questions on a single ballot label; and

(2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:



(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party, in alphabetical order according to



1 surname.

2 A statement reading substantially as follows must be placed
3 immediately below the name of the office and above the name of the
4 first candidate: "Vote for not more than (insert the number of
5 candidates to be elected) candidate(s) of ANY party for this office.".

6 (j) Candidates for election to at-large seats on the governing body
7 of a school corporation must be grouped:

8 (1) under the name of the office that the candidates are seeking;
9 and

10 (2) in alphabetical order according to surname.

11 A statement reading substantially as follows must be placed
12 immediately below the name of the office and above the name of the
13 first candidate: "Vote for not more than (insert the number of
14 candidates to be elected) candidate(s) for this office.".

15 (k) The cautionary statement described in IC 3-11-2-7 must be
16 placed at the top or beginning of the ballot label before the first public
17 question is listed.

18 (l) The instructions described in IC 3-11-2-8 ~~IC 3-11-2-10(d)~~, and
19 ~~IC 3-11-2-10(e)~~ **IC 3-11-2-10(c)** may be:

20 (1) placed on the ballot label; or

21 (2) posted in a location within the voting booth that permits the
22 voter to easily read the instructions.

23 (m) The ballot label must include: ~~a touch sensitive point or button~~
24 ~~for voting a straight political party or independent ticket (described in~~
25 ~~IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button~~
26 ~~must be identified by:~~

27 (1) the name of the political party or independent ticket; and

28 (2) immediately below or beside the political party's or
29 independent ticket's name, the device of that party or ticket
30 (described in IC 3-11-2-5).

31 The name and device of each party or ticket must be of uniform size
32 and type, and arranged in the order established by subsection (g) for
33 listing candidates under each office. ~~The instructions described in~~
34 ~~IC 3-11-2-10(c) for voting a straight party ticket and~~ The statement
35 concerning presidential electors required under IC 3-10-4-3 may be
36 placed on the ballot label or in a location within the voting booth that
37 permits the voter to easily read the instructions.

38 (n) A public question must be in the form described in
39 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive
40 point or button must be used instead of a square. Except as expressly
41 authorized or required by statute, a county election board may not print
42 a ballot label that contains language concerning the public question



1 other than the language authorized by a statute.

2 (o) The requirements in this section:

3 (1) do not replace; and

4 (2) are in addition to;

5 any other requirements in this title that apply to ballots for electronic
6 voting systems.

7 (p) The procedure described in IC 3-11-2-16 must be used when a
8 ballot label does not comply with the requirements imposed by this title
9 or contains another error or omission that might result in confusion or
10 mistakes by voters.

11 SECTION 11. IC 3-11-14-23, AS AMENDED BY P.L.128-2015,
12 SECTION 194, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) This section is enacted to
14 comply with 52 U.S.C. 21081 by establishing uniform and
15 nondiscriminatory standards to define what constitutes a vote on an
16 electronic voting system.

17 (b) If a voter is not challenged by a member of the precinct election
18 board, the voter may pass the railing to the side where an electronic
19 voting system is and into the voting booth. There the voter shall
20 register the voter's vote in secret by indicating:

21 (1) the candidates for whom the voter desires to vote by touching
22 a device on or in the squares immediately above the candidates'
23 names;

24 (2) if the voter intends to cast a write-in vote, a write-in vote by
25 touching a device on or in the square immediately below the
26 candidates' names and printing the name of the candidate in the
27 window provided for write-in voting; and

28 (3) the voter's preference on each public question by touching a
29 device above the word "yes" or "no" under the question.

30 ~~(c) If an election is a general or municipal election and a voter~~
31 ~~desires to vote for all the candidates of one (1) political party or group~~
32 ~~of petitioners, the voter may cast a straight party ticket by touching that~~
33 ~~party's device. The voter's vote shall then be counted for all the~~
34 ~~candidates under that name. However, if the voter casts a vote by~~
35 ~~touching the circle of an independent ticket comprised of two (2)~~
36 ~~candidates, the vote shall not be counted for any other independent~~
37 ~~candidate on the ballot.~~

38 ~~(d)~~ (c) As provided by 52 U.S.C. 21081, a voter casting a ballot on
39 an electronic voting system must be:

40 (1) permitted to verify in a private and independent manner the
41 votes selected by the voter before the ballot is cast and counted;

42 (2) provided the opportunity to change the ballot or correct any



error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

SECTION 12. IC 3-12-1-1, AS AMENDED BY P.L.64-2014, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, 9.5, and 13 of this chapter, the primary factor to be considered in determining a voter's choice on a ballot is the intent of the voter. If the voter's intent can be determined on the ballot or on part of the ballot, the vote shall be counted for the affected candidate or candidates or on the public question. However, if it is impossible to determine a voter's choice of candidates on a part of a ballot or vote on a public question, then the voter's vote concerning those candidates or public questions may not be counted.

SECTION 13. IC 3-12-1-7, AS AMENDED BY P.L.164-2006, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) This subsection applies whenever a voter:

(1) votes a straight party ticket; and

(2) votes only for one (1) or more individual candidates who are all of the same political party as the straight ticket vote.

The straight ticket vote shall be counted and the individual candidate votes may not be counted.

(b) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party;

(2) only one (1) person may be elected to an office; and

(3) the voter has voted for one (1) individual candidate for the office described in subdivision (2) who is:

(A) a candidate of a political party other than the party for which the voter voted a straight ticket; or

(B) an independent candidate for the office.

If the voter has voted for one (1) individual candidate for the office described in subdivision (2), the individual candidate vote for that office shall be counted; the straight party ticket vote for that office may not be counted; and the straight party ticket votes for other offices on the ballot shall be counted.

(c) This subsection applies whenever:



(1) a voter has voted a straight party ticket for the candidates of one (1) political party; and

(2) the voter has voted for more individual candidates for the office than the number of persons to be elected to that office.

The individual candidate votes for that office may not be counted; the straight party ticket vote for that office may not be counted; and the straight party ticket votes for other offices on the ballot shall be counted.

(d) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party;

(2) more than one (1) person may be elected to an office; and

(3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

(A) independent candidates;

(B) candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); or

(C) a combination of candidates described in clauses (A) and (B).

The individual votes cast by the voter for the office for the independent candidates and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket votes for the office, is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for the office may not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

(e) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party;

(2) more than one (1) person may be elected to an office; and

(3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

(A) independent candidates or candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); and

(B) candidates of the same political party for which the voter



1 cast a straight party ticket under subdivision (1).
 2 The individual votes cast by the voter for the office for the independent
 3 candidates and the candidates of a political party other than the
 4 political party for which the voter cast a straight party ticket shall be
 5 counted. The individual votes cast by the voter for the office for the
 6 candidates of the same political party for which the voter cast a straight
 7 party ticket may not be counted. The straight party ticket vote cast by
 8 that voter for that office shall be counted unless the total number of
 9 votes cast for the office by the voter, when adding the voter's votes for
 10 the individual candidates for the office and the voter's straight party
 11 ticket vote for the office is greater than the number of persons to be
 12 elected to the office. If the total number of votes cast for the office is
 13 greater than the number of persons to be elected to the office, the
 14 straight party ticket votes for that office may not be counted. The
 15 straight party ticket votes for other offices on the voter's ballot shall be
 16 counted.

17 (f) If a voter votes a straight party ticket for more than one (1)
 18 political party, the whole ballot is void with regard to all candidates
 19 nominated by a political party or designated as independent candidates
 20 on the ballot. However, the voter's vote for a school board candidate or
 21 on a public question shall be counted if otherwise valid under this
 22 chapter.

23 (g) (a) If a voter does not vote a straight party ticket and the number
 24 of votes cast by that a voter for the candidates for an office are is less
 25 than or equal to the number of openings for that office, the individual
 26 candidates' votes shall be counted.

27 (h) (b) If a voter does not vote a straight party ticket and the number
 28 of votes cast by that a voter for an office exceeds the number of
 29 openings for that office, none of the votes concerning that office may
 30 be counted.

31 SECTION 14. IC 3-12-1-7.5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. (a) If a voter votes
 33 a straight party ticket for at least one (1) office for which only one (1)
 34 person may be elected and writes in the name of a candidate, the
 35 straight party ticket vote shall be counted for all offices except the
 36 offices for which a write-in vote was cast. The write-in vote shall be
 37 counted if the voter's intent can be determined.

38 (b) If a voter votes a straight party ticket for an office for which at
 39 least two (2) people may be elected and writes in the name of a
 40 candidate, the straight party vote for that office may not be counted
 41 unless:

42 (1) fewer candidates appear on the party's ticket than may be



1 elected; and

2 ~~(2) the voter has not written in a number of names that, when~~
 3 ~~added to the straight party candidate's name, would be greater~~
 4 ~~than the number of seats available for that office.~~

5 ~~(c) (a)~~ If a voter votes for one (1) individual candidate for an office
 6 for which only one (1) person may be elected and also writes in the
 7 name of another candidate for the same office, neither vote may be
 8 counted.

9 ~~(d) (b)~~ If a voter votes for at least one (1) individual candidate for
 10 an office for which at least two (2) people may be elected and also
 11 writes in the name of at least one (1) candidate, the vote for that office
 12 may not be counted unless the number of individual votes cast for the
 13 office, when added to the number of write-in votes cast for that office,
 14 is less than or equal to the number of seats available for that office.

15 ~~(e) If a voter votes an individual or a straight party vote for a~~
 16 ~~candidate for an office and also writes in the name of the same~~
 17 ~~candidate for the same office, only one (1) vote for that candidate may~~
 18 ~~be counted.~~

19 SECTION 15. IC 3-12-1-8 IS REPEALED [EFFECTIVE JULY 1,
 20 2016]. ~~Sec. 8: A voting mark made by a voter on or in a circle~~
 21 ~~containing a political party device shall be counted as a vote for each~~
 22 ~~candidate of that political party on that ballot.~~

23 SECTION 16. IC 3-12-1-14 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) This section
 25 does not apply to a vote

26 ~~(1) cast for President or Vice President of the United States under~~
 27 ~~IC 3-10-4-6. or~~
 28 ~~(2) described by section 15 of this chapter.~~

29 (b) A vote cast for a candidate who ceases to be a candidate may not
 30 be counted as a vote for a successor candidate selected under IC 3-13-1
 31 or IC 3-13-2.

32 SECTION 17. IC 3-12-1-15 IS REPEALED [EFFECTIVE JULY 1,
 33 2016]. ~~Sec. 15: (a) This section applies to a vote cast for one (1)~~
 34 ~~straight party ticket that includes a candidate for election to office who:~~

35 ~~(1) ceases to be a candidate; and~~
 36 ~~(2) is succeeded by a candidate selected under IC 3-13-1 or~~
 37 ~~IC 3-13-2.~~

38 ~~(b) A vote cast in the election for the original nominee is considered~~
 39 ~~a vote cast for the successor.~~

